



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
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April 18, 2011

Rebecca S. Griffith, Ph.D, PMP
Chief, Planning Division
Jacksonville District, U.S. Army Corps of Engineers
P.O. Box 4970
Jacksonville, FL 32232-0019

SUBJECT: Draft Environmental Impact Statement for Everglades Restoration Transition Plan

Dear Ms. Griffith,

The U.S. Environmental Protection Agency (EPA) has reviewed the referenced Draft Environmental Impact Statement (EIS) in accordance with its responsibilities under Section 309 of the Clean Air Act and Section 102(2)(C) of the National Environmental Policy Act (NEPA). The Jacksonville District of the U.S. Army Corps of Engineers proposes implementation of the Everglades Restoration Transition Plan (ERTP), which will supersede the 2006 Interim Operation Plan for the Cape Sable Seaside Sparrow (IOP). The purpose of ERTTP is to define water management operating criteria for Central and Southern Florida Project (C&SF) features and the constructed features of the Modified Water Deliveries and Canal-111 projects until a Combined Operational Plan is implemented. ERTTP objectives include improving conditions in Water Conservation Area 3A (WCA-3A) for the endangered Everglade snail kite, wood stork and wading bird species while maintaining protection for the endangered Cape Sable seaside sparrow (CSSS) and Congressionally authorized purposes of the C&SF Project. The proposed action is a modification of IOP with operational flexibilities to provide further hydrological improvements amenable to multiple listed species.

The ERTTP alternatives formulation process has been described in terms of Chapters. Formulation of Chapter 1 alternatives resulted from extensive review of observed hydro-meteorological and species data and lessons learned during the time period between 1998 and 2009, corresponding to the 1998 and the 2002 and 2006 Interim Structural and Operational Plan (ISOP) and the 2002 and 2006 Interim Operational Plan (IOP). Chapter 2 Alternatives were developed independently of the ERTTP process to address a lowered WCA-3A Regulation Schedule and were simulated using the South Florida Water Management Model (SFWMM). These alternatives employed a WCA-3A Regulation Schedule in which all of the zones (Zone A through E) were lowered. Although the results were positive for reducing high water levels in WCA-3A, there was also an increase in frequency and duration of dry events resulting in undesirable ecological effects in northern WCA-3A. As a result, Chapter 3 alternatives were formulated using the South Florida Water Management Model (SFWMM) to incorporate both

the interim high water management criteria and ERTTP performance measures (PM) and ecological targets (ET).

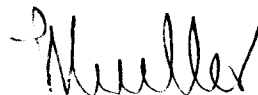
After these two levels of screening, the final array of alternatives include the No Action Alternative (Alternative A), which would maintain the status quo of the IOP and three action alternatives (Alternative 7AB, Alternative 8D, and Alternative 9E1) that address both the interim high water management criteria and multi-species recommendations. The current operating regime, IOP, is included within the Lake Okeechobee Regulation Schedule (LORS) modeling base run and served as the comparison point for the three action alternatives. Alternative 7AB represents the modification of Chapter 2, Alternative 7, in response to the U.S. Fish and Wildlife Service (FWS) recommendations to retain IOP closure dates for S-12A and S-12B. Alternative 8D represents IOP with the WCA-3A Regulation Schedule modified for lowering of Zone A, in response to interim high water management criteria WCA-3A, and the removal of IOP S-12C closure dates. Alternative 9E1 best represents Chapter 1, Alternative B, with incorporation of the interim high water management criteria (.24 to .5 feet lowering of Zone A); however, Alternative 9E1 does not include the operational flexibility of S-12A and S-12B that was originally proposed under Chapter 1, Alternative B. The Corps has selected Alternative 9E1 as the Tentatively Selected Plan (TSP).

Overall, EPA is supportive of the selection of Alternative 9E1 as the TSP. EPA appreciates the Corps' collaborative, multi-agency effort in formulating the TSP. EPA recognizes that the COE was concerned that implementation of Alternative 9E1 (or any other listed alternative) might result in exceedances of Total Phosphorus (TP) loads into Everglades National Park (ENP) and non-compliance with the Everglades Settlement Agreement and have conducted water quality modeling to forecast the affect of each alternative on TP loading. This modeling indicates that Alternative 9E1 (TSP) will maintain the status quo in TP water quality discharged to the Park (as compared to the IOP).

We rate this document LO-1 (Lack of Objection with adequate information). Enclosed is a summary of definitions for EPA ratings.

We appreciate the opportunity to review the proposed action. Please contact Jamie Higgins at (404) 562-9681 if you want to discuss our comments.

Sincerely,

A handwritten signature in black ink, appearing to read "H. Mueller".

Heinz J. Mueller, Chief
NEPA Program Office
Office of Policy and Management

Enclosures

**U.S. ENVIRONMENTAL PROTECTION AGENCY
ENVIRONMENTAL IMPACT STATEMENT (EIS) RATING SYSTEM CRITERIA**

EPA has developed a set of criteria for rating Draft EISs. The rating system provides a basis upon which EPA makes recommendations to the lead agency for improving the draft.

RATING THE ENVIRONMENTAL IMPACT OF THE ACTION

- § LO (Lack of Objections): The review has not identified any potential environmental impacts requiring substantive changes to the preferred alternative. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposed action.
- § EC (Environmental Concerns): The review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact.
- § EO (Environmental Objections): The review has identified significant environmental impacts that should be avoided in order to adequately protect the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). The basis for environmental objections can include situations:
1. Where an action might violate or be inconsistent with achievement or maintenance of a national environmental standard;
 2. Where the Federal agency violates its own substantive environmental requirements that relate to EPA's areas of jurisdiction or expertise;
 3. Where there is a violation of an EPA policy declaration;
 4. Where there are no applicable standards or where applicable standards will not be violated but there is potential for significant environmental degradation that could be corrected by project modification or other feasible alternatives; or
 5. Where proceeding with the proposed action would set a precedent for future actions that collectively could result in significant environmental impacts.
- § EU (Environmentally Unsatisfactory): The review has identified adverse environmental impacts that are of sufficient magnitude that EPA believes the proposed action must not proceed as proposed. The basis for an environmentally unsatisfactory determination consists of identification of environmentally objectionable impacts as defined above and one or more of the following conditions:
1. The potential violation of or inconsistency with a national environmental standard is substantive and/or will occur on a long-term basis;
 2. There are no applicable standards but the severity, duration, or geographical scope of the impacts associated with the proposed action warrant special attention; or
 3. The potential environmental impacts resulting from the proposed action are of national importance because of the threat to national environmental resources or to environmental policies.

RATING THE ADEQUACY OF THE ENVIRONMENTAL IMPACT STATEMENT (EIS)

- § 1 (Adequate): The Draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.
- § 2 (Insufficient Information): The Draft EIS does not contain sufficient information to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the Draft EIS, which could reduce the environmental impacts of the proposal. The identified additional information, data, analyses, or discussion should be included in the Final EIS.
- § 3 (Inadequate): The Draft EIS does not adequately assess the potentially significant environmental impacts of the proposal, or the reviewer has identified new, reasonably available, alternatives, that are outside of the spectrum of alternatives analyzed in the Draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. The identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. This rating indicates EPA's belief that the Draft EIS does not meet the purposes of NEPA and/or the Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised Draft EIS.